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October 20, 2021

MEMO ENDORSED:

The conference currently scheduled for October 28, 2021 is adjourned to **November 16, 2021 at 9:30 a.m.**

Via ECF

Honorable Paul G. Gardephe
United States District Judge
United States District Court
Southern District of New York

SO ORDERED.

A handwritten signature in black ink, reading 'Paul G. Gardephe', is written over a horizontal line.

Paul G. Gardephe
United States District Judge

Dated: October 26, 2021

Re: ***MedQuest, Ltd. v. Rosa et al., 21-cv-5307 (PGG)***
Joint Letter, On Consent, Requesting Adjournment of Initial Conference

Your Honor:

This firm represents Christine Rosa, Carolyn Fink, and Trimeritus Group LLC (collectively, “**Defendants**”) in the above-referenced action. I write on behalf of all parties to respectfully request that the initial conference, currently scheduled for October 28, be adjourned pending the Court’s decision regarding Defendants’ request for permission to file a Rule 12(b)(6) motion to dismiss the Amended Complaint.

This is the parties’ second request to adjourn the initial conference. It is submitted on consent.

The reason for this request is because it will be challenging for counsel to conduct a substantive meet-and-confer and to draft a proposed case management plan unless and until Defendants have filed, and Plaintiff has had an opportunity to review, Defendants’ answer, including any counterclaims. Pursuant to the Court’s individual rules (IV.A), “submission of a pre-motion letter concerning a motion to dismiss will stay the defendant’s time to answer or otherwise move with respect to the complaint.” Defendants submitted such a letter on August 17, 2021.¹ Currently, it is pending before the Court.

On behalf of all parties, I thank the Court for its consideration.

¹ Defendants filed a pre-motion letter on August 17, 2021 (Docket No. 17). Plaintiff filed a letter in opposition on August 23 (Docket No. 20). Defendants filed a reply letter on August 27 (Docket No. 23). Plaintiff filed a sur-reply letter on August 30 (Docket No. 24). Defendants requested permission to file a response to Plaintiff’s sur-reply letter on August 30 (Docket No. 25).



Respectfully submitted,

AY STRAUSS LLC

By: /s/ Joseph H. Harris

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cc: **Via ECF**

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